HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 5147 OF 2007

DATED: 15.3.2007

Between:

Lal Mohammed and another

… Petitioners

and

The District Collector, Mahabubnagar and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.5147 OF 2007

ORAL ORDER:

The petitioners seek a Mandamus to the respondents to initiate land acquisition proceedings and pay them compensation.

Petitioners claim to be the owners of an extent of agricultural lands in a total extent of Ac.14.16 guntas in Sy.No.31, Kalwakurthy, Mahabubnagar District. According to the petitioners, the 4th respondent started constructions in the above lands in the 2nd week of December 2006, without issuing notice or acquisition proceedings to the petitioners and the petitioners made an enquiry and the 4th respondent is stated to have informed that the land in an extent of Ac.2.5 guntas in the said survey number was allotted to them by the District Collector, Mahabubnagar and therefore the 4th respondent is proceeding with the construction. On 7.1.2007, the petitioners represented to the District Collector, Mahabubnagar, along with the documents of title and beseeched the District Collector, Mahabubnagar, to initiate land acquisition proceedings and pay

compensation, if the land was allotted to the 4th respondent-Market Committee. No action having been taken, the petitioners are before this court, seeking a direction as afore-stated.

No Mandamus can be issued to acquire lands. Whether land should be acquired is a decision that is a product of the exercise of statutory discretion and depends on plurality of administrative concerns. If the 4th respondent has unauthorisedly occupied the petitioners' lands and is making constructions thereon, the petitioners have an appropriate remedy of seeking an injunctive relief or a declaratory relief along with an injunctive relief. No mandamus however is appropriate, to acquire the land.

On the aforesaid analysis, the writ petition is dismissed. The petitioners are at liberty to pursue appropriate alternative remedies against the respondents. No costs.

GODA RAGHURAM, J

Date: 15.3.2007
cvm